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CHARLES ELMORE CROPLEY

Supreme Court of the United States

OCTOBER TERM, 1945.

No. ~~850-851~~ 44-45

IN THE MATTER
of
VANHORN BONDHOLDERS PROTECTIVE COMMITTEE,
Petitioner,

against

LOUIS A. GREEN and ROBERT HEILBRUNN, known in these Proceedings as the Green Committee and Morris Green, *et al.*,
Respondents.

PETITION FOR ~~A~~ WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT AND SUPPORTING BRIEF.

ROBERT J. BULKLEY,
Counsel for Petitioner.

RICHARD B. HAND
Attorney for Petitioner.

Parkside Press, Inc., 32 Thames St., New York 6, N.Y., U. S. A.

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To the Honorable the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:

Your Petitioner, the Vanhorn Protective Committee, for First Mortgage Bondholders of Inland, respectfully shows:

Summary Statement of the Matter Involved.

The Circuit Court of Appeals for the Sixth Circuit ruled that overdue coupons on the First Mortgage Bonds of Inland Gas Corporation, a Debtor in proceedings under Chapter X of the Bankruptcy Act, do not bear simple interest, as provided in the Mortgage or Deed of Trust securing the Bonds, from the respective due dates of such coupons. Review of that decision is sought by another Committee, known as the Vanston Committee which has filed a petition for Writ of Certiorari with this Court (October Term, 1945, No. 848 -9) at or about the same time as this is filed. In its petition, said Vanston Committee has set forth a summary statement of the matter involved. In order that repetition may be avoided, Petitioner herein respectfully adopts that statement.

Opinions Below.

The opinion of the Circuit Court of Appeals is reported 151 Fed. (2d) at p. 470. Application was made by the Vanston Committee to the Circuit Court of Appeals for reargument which application was supported by petitioner herein. That application was denied November 26, 1945.

With its petition the Vanston Committee has presented to this Court, as an exhibit thereto, a duly certified transcript of the printed record in the case as the same appears in the United States Circuit Court of Appeals for the Sixth Circuit. Petitioner herein adopts that transcript.

Jurisdictional Statement.

Jurisdiction to review this case upon writ of certiorari is expressly conferred upon this Court by Judicial Code, Section 240, as amended (Act of March 3, 1891, c. 517,

Sec. 6, 26 Stat. 828; Act of March 3, 1911, c. 231, Sec. 240, 36 Stat. 1157; Act of February 13, 1925, c. 229, Sec. 1, 43 Stat. 938; U. S. C. Title 28, Sec. 347).

Questions Presented.

1. Whether in determining the rule for the choice of the governing law covering the validity of an interest provision in a multi-State contract made by a Debtor in Chapter X Bankruptcy Proceedings the Circuit Court of Appeals should select the rule of the forum State.

2. Whether such provision is invalid, although it does not violate the public policy of any of the States involved, nor of the United States, and would have been upheld if it had been litigated in the Courts of any of such States.

Reasons Relied on for Granting the Writs

Petitioner herein adopts the reasons relied on for granting the writs as same are set forth in the above mentioned petition to this Court filed by the Vanston Committee.

Specifications of Errors to be Urged.

Petitioner herein adopts the Specifications of Errors as set forth in the Vanston Petition.

Prayer for Writs

Wherefore, your petitioner respectfully prays that a writ of certiorari be issued out of and under the seal of this Court to the United States Circuit Court of Appeals for the Sixth Circuit commanding said last named Court to certify

and send to this Honorable Court a full and complete transcript of the record of all proceedings in the within cause and to stand to and abide by such order and direction as to your Honors shall seem meet and the circumstances of the case require and that your petitioner may have such other and further relief or remedy in the premises as to this Court may seem proper.

Dated: New York, N. Y., February 15, 1946.

ROBERT J. BULKLEY,
Counsel for Petitioner.

RICHARD B. HAND,
111 Broadway,
New York 6, N. Y.,
Attorney for Petitioner.

ROBERT J. BULKLEY,
Bulkley Building,
Cleveland 15, Ohio,
Of Counsel.

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BRIEF IN SUPPORT OF PETITION FOR WRITS OF CERTIORARI.

Petitioner herein adopts all of the argument of the Vanston Committee as fully as if same were herein repeated.

ROBERT J. BULKLEY,
Of Counsel.